

## **AMENDMENTS TO THE CLAIMS**

Amendments to the claims are reflected in the following listing, which replaces any and all prior versions and listings of claims in the present application.

1. (Currently Amended) A method for modeling a business process, comprising steps of:

remotely capturing an actions of a user in performing ~~the~~ said business process wherein said action is selected from the group of manual action, computer-based action, and combinations thereof;

storing said captured actions as in captured data files on a computer;  
cataloging said captured data files in accordance with pre-defined process definitions; and

modeling ~~the~~ said business process using said captured data files wherein said modeling is selected from the group of designing said business process, improving said business process, executing said business process, and combinations thereof.

2. (Currently Amended) A method of business process data collection ~~capture~~, comprising the steps of:

automated remote capturing of business process data generated by at least one user's performance of said business ~~a process performed by a user, wherein said capturing includes capture of data generated by at least one action of said at least one user wherein said action is selected from the group of manual action, computer-based action, and combinations thereof;~~ ~~said capturing including capture of the user's interactions with a computer;~~

generating captured process files comprised of said business process data ~~of said captured process~~; and

storing said captured process files in a storage.

3. (Original) A method as claimed in claim 2, wherein said captured process files are in XML.

4. (Currently Amended) A method as claimed in claim 2, wherein said automated remote capturing includes capture of data selected from the group of audio data, video data, and combinations thereof ~~at least one of audio data and video data to record actions of the user in the process.~~

5. (Currently Amended) A method as claimed in claim 2, wherein said business process data ~~generating files~~ includes ~~including~~ context information ~~in said captured process files.~~

6. (Currently Amended) A method as claimed in claim 5, wherein said context information includes ~~inserting~~ time stamp data ~~in said captured process files.~~

7. (Original) A method as claimed in claim 5, wherein said context information includes information from listeners reporting communications between software components and an operating system.

8. (Original) A method as claimed in claim 5, wherein said context information is derived from virtual footprints in computer software used at least in part to perform the process.

9. (Currently Amended) A method as claimed in claim 8, wherein said virtual footprints include captures selected from the group of ~~at least one of~~ dialogs, toolbars, and menus, and combinations thereof of a software application on said a computer.

10-11. (Cancel)

12. (Currently Amended) A method for modeling a business process, comprising the steps of:

remotely capturing an actions of a user in performing ~~the~~ said business process ~~on~~ in association with a computer wherein said action is selected from the group of manual action, computer-based action, and combinations thereof;

storing said captured actions as in captured data files on a computer; and  
streaming ~~the~~ said captured data files to a computer to simulate a user  
performing the process.

13. (Original) A method as claimed in claim 12, further comprising the steps of:  
editing said captured data files to create edited data files; and  
streaming said edited data files to a computer to simulate a user performing an  
edited process.

14. (Original) A method as claimed in claim 13, wherein said captured data files  
constitute an as-is model and wherein said edited files constitute a to-be model of the process;  
and comparing said as-is model to said to-be model.

15. (Currently Amended) A method for modeling a business process in a business or  
organization having a plurality of computers connected to a network, comprising the steps of:  
defining capture settings of a plurality of users using said plurality of  
computers;  
remotely capturing business process data generated by two or more  
interactions of at least one user with said plurality of computers according to said capture  
settings as captured data files; and  
storing said captured data files in a repository.

16. (Currently Amended) A method as claimed in claim 15, wherein at least one of  
said capture settings are different between at least two of said plurality of users using said  
plurality of computers. ~~said defining includes setting different levels of capture for different~~  
~~ones of said plurality of computers.~~

17. (Currently Amended) A method as claimed in claim 16, wherein said ~~different~~  
~~levels of capture are~~ difference in said two or more capture settings is distinguished by  
presence of a recording, said recording selected from the group of audio recording, video

recording, and combinations thereof at least one of audio recording and video recording of a user's actions in performing the process.

18. (Currently Amended) A method for identifying a business process, comprising the steps of:

remotely capturing business process data generated by an actions of a user in performing the process wherein said action is selected from the group of manual action, computer-based action, and combinations thereof;

storing said captured actions as in captured data files on a computer; and  
automatically cataloging said captured data files by pattern matching of said captured data files against a pre-defined process definition.

19. (Currently Amended) A method as claimed in claim 18, wherein said cataloging includes applying fuzzy logic to ~~ones~~ at least one of said captured data files to partially catalog said ~~ones~~ at least one of said captured data files.

20. (Currently Amended) A method as claimed in claim 18, wherein said cataloging includes storing ~~ones~~ at least one of said captured data files as un-cataloged data files.

21. (Currently Amended) A method of business process data collection capture, comprising the steps of:

automated remote capturing of business process data generated by at least one user's performance of the business a process performed by a user, wherein said capturing includes capture of data generated by at least one action of said at least one user wherein said action is selected from the group of manual action, computer-based action, and combinations thereof ~~said capturing including capture of the user's interactions with a computer;~~

and wherein said capturing includes data generated selected from the group of audio data, video data, and combinations thereof ~~automated remote capturing of at least one of audio and video data of the process performed by the user;~~

generating captured process files comprised of said business process data of ~~said captured process including flagging portions of~~ wherein said data generated selected

from the group of audio data, video data, and combinations thereof at least one of said audio and video data is marked so that at least one manual action and at least one computer-based action can be synchronized to corresponding interactions of the user with the computer; and storing said captured process files in a storage.

22. (Currently Amended) A system for modeling a business process ~~on a computer~~, comprising:

capture software on ~~the~~ a first computer operable to capture as data files an actions of a user in performing the process wherein said action is selected from the group of manual action, computer-based action, and combinations thereof;

an identification system connected to the first computer and operable to identify the said data files as corresponding to said actions of a user in performing the said business process;

a catalog ~~cataloging~~ system connected to said identification systems and operable to sort the said data files into identified and unidentified files;

a data storage connected to receive said identified and unidentified files;

a modeling system connected to a second computer to stream said data files to the said second computer for emulation of the said business process.

23. (Currently Amended) A system for business process data collection ~~capture~~, comprising:

a connections to a business process inputs of a computer through which remote capture business process data generated by at least one user's performance of said business process is collected, wherein said at least one user's performance includes an action selected from the group of manual action, computer-based action, and combinations thereof ~~is made of a process performed by a user including capture of the user's interactions with the computer;~~

a data manager connected to said ~~input~~ connections from which captured process files comprised of said business process data ~~of said captured process~~ are forwarded; and

a data storage connected to receive said captured process files from said data manager.

24. (Currently Amended) A system as claimed in claim 23, ~~further comprising:~~  
wherein said input is selected from the group of audio recording device, video recording device, toolbar, keyboard, mouse, menu, dialog controls, system outputs, computer-based pen, touchpad, electronic tablet and combinations thereof. ~~at least one of audio, data and video data recording devices connected to said data manager to record actions of the user in performing the process.~~

25. (Currently Amended) A system as claimed in claim 23, further comprising:  
context elements in ~~said computer~~ a software application associated with said business process operable to include context information in said captured process files.

26. (Original) A system as claimed in claim 25, wherein said context information includes time stamp data in said captured process files.

27. (Original) A system as claimed in claim 25, wherein said context elements include listeners operable to report communications between software components and an operating system of the computer.

28. (Currently Amended) A system as claimed in claim 25, wherein said context information is ~~at least one of~~ selected from the group of dialogs, toolbars, and menus and combinations thereof of a software application on said computer.

29. (Cancel)

30. (Currently Amended) A system as claimed in claim 23 ~~29~~, further comprising:  
an administrator interface operable for setting ~~different levels of capture settings~~ are provided for different ones of said plurality of users.

31. (Currently Amended) A system for modeling a business process, comprising:  
a remote capture apparatus connected to a first computer configured to capture an actions of a user in performing ~~the~~ said business process ~~on a computer~~;  
a data storage connected to receive said captured actions ~~as in~~ captured data files; and  
a connection to a second computer to stream the captured data files to ~~the~~ said second computer to simulate a said user performing ~~the~~ said business process.

32. (Currently Amended) A system as claimed in claim 31, further comprising:  
an interface by which said captured data files may be selectively edited to create edited data files; and  
said connection to ~~the~~ said second computer streaming said edited data files to ~~the~~ said second computer to simulate a said user performing an edited process.

33. (Currently Amended) A system as claimed in claim ~~13~~ 31, further comprising: a comparison apparatus operable to compare said captured data files to said edited data files.

34. (Currently Amended) A system for modeling a business process in a business or organization having a plurality of computers connected to a network, comprising:  
an interface operable to define capture settings of a plurality of users using said plurality of computers;  
a remote capture connections configured to capture business process data generated by two or more interactions of said plurality of users using ~~with~~ said plurality of computers according to said capture settings as captured data files; and  
a data storage connected to receive said captured data files.

35. (Currently Amended) A system as claimed in claim 34, ~~further comprising:~~  
wherein said remote capture connection is selected from the group of at least one of audio recording equipment, and video recording equipment, and combinations thereof ~~connected to record at least some user's actions in performing the process at at least some of said plurality of computers.~~

36. (Currently Amended) A system for identifying a business process, comprising:  
remote ~~capturing~~ capture elements operable to capture business process data  
generated by an actions of a user in performing the said business process wherein said action  
is selection from the group of manual action, computer-based action, and combinations  
thereof;

a data storage connected to said remote capture ~~element~~ apparatus to receive  
said captured business process data ~~actions as in~~ captured data files; and

a ~~eataloging~~ catalog element connected to said data storage configured to  
receive said captured data files and operable to perform pattern matching of said captured data  
files against a process definition.

37. (Currently Amended) A system as claimed in claim 36, wherein said ~~eataloging~~  
catalog element includes a fuzzy logic component operable to assign partial identifications to  
~~ones~~ at least one of said captured data files.

38. (Currently Amended) A system as claimed in claim 36, wherein said data storage  
includes a portion for cataloged files and a portion for un-cataloged files and said ~~eataloging~~  
catalog element forwards unidentifiable files to said un-cataloged portion of said data storage  
as un-cataloged data files.

39. (Currently Amended) A system of business process data collection ~~capture~~,  
comprising:

an automated remote capturing software element in a computer operable to  
capture business process data generation by at least one user's performance of said business a  
process performed by a user, wherein said capture includes capture of data generated by at  
least one action of said at least one user wherein the action is selected from the group of  
manual action, computer-based action, and combinations thereof ~~said capturing including~~  
~~capture of the user's interactions with the computer;~~ and wherein said capture includes data  
generated selected from the group of audio data, video data, and combinations thereof;



~~at least one of audio and video data capturing devices of the process performed by the user;~~

a data manager connected to said automated remote capturing software element ~~and said at least one of said audio and video data capturing devices~~ configured to pass captured process files comprised of said business process data of said captured process ~~including flagging portions of~~ wherein said data generated selected from the group of audio data, video data, and combinations thereof is marked so that at least one manual action and at least one computer-based action can be synchronized ~~at least one of said audio and video data to corresponding interactions of the user with the computer;~~ and

a data storage connected to receive said captured process files.